
(2017) 05 RAJ CK 0121
In the Rajasthan High Court
Case No : 13224 of 2016

Babulal Teli S/o Shri Bherulal Teli

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 24-05-2017

Acts Referred:

Constitution of India, Article 226 -
Power of High Courts to Issue certain writs

Citation : (2017) 05 RAJ CK 0121

Hon'ble Judges : Dinesh Mehta

Bench : SINGLE BENCH

Advocate : P.R. Mehta, Manish Patel

Final Decision : Disposed

Judgement

1. Challenge in the present writ petition is to the order of transfer dated 28.09.2016 (Annx.3) by which the petitioner has been transferred from his present place of working i.e. Panchayat Samiti Sagwada to Panchayat Samiti Simalwada, District Dungarpur.

2. The petitioner was appointed on the post of Junior Technical Assistant pursuant to an advertisement that was issued. A contract of service was executed between the petitioner and respondent wherein it was specified that the services of the first party shall be non-transferable. The respondents herein have transferred the petitioner and aggrieved the instant writ petition has been filed.

3. In Civil Writ Petition No. 1146/2015 Sh. Ram Meena Vs. State & Anr. Decided on 16.08.2016 Coordinate Bench of this Court was seized of similar matter wherein Junior Technical Assistants, who were employed on contractual basis were transferred and the transfer order was challenged relying upon the terms and conditions of standard contract executed between the parties, wherein it was specifically mentioned that (contract of the first party) employee shall be nontransferable. The Single Bench after hearing arguments declined to exercise jurisdiction under Article 226 of the Constitution of India, however, gave liberty to submit representation to the competent authority for being posted at appropriate place within the district which was to be considered by the authority concerned.

4. In view of the fact that the Coordinate Bench has already declined to interfere, no further orders are called in this regard. However, the petitioner herein, if so advised is given to liberty submit representation to the competent authority, who shall decide the same as per the directions given in Sh. Ram Meena (Supra).

5. The above noted writ petition is disposed of accordingly.